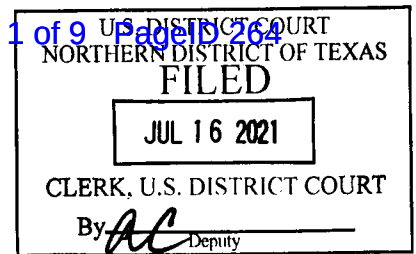


United States District Court
Northern District of Texas
Amarillo Division



UNITED STATES OF AMERICA

v.

Case Number 2:11-CR-59-Z-BR-(1)

DUSTIN ANTHONY ENGLER
Defendant.

USM Number 43680-177

JUDGMENT IN A CRIMINAL CASE
(For **Revocation** of Probation or Supervised Release)
(For Offenses Committed On or After November 1, 1987)

The defendant, DUSTIN ANTHONY ENGLER, was represented by Cristy J McElroy.

THE DEFENDANT:

Pled true to violating Paragraphs I, III & III of the Petition for Offender Under Supervision, signed March 5, 2021.

See Petitions for Offender Under Supervision.

Certified copies of the Judgment imposed on March 13, 2012 and Order Granting Sentence Reduction dated April 19, 2016, in the U.S. District Court for the Northern District of Texas, Amarillo Division, are attached.

As pronounced on July 15, 2021, the defendant is sentenced as provided on page 2 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States Attorney of any material change in the defendant's economic circumstances.

Signed July 16, 2021.


MATTHEW J. KACSMARKY
UNITED STATES DISTRICT JUDGE

AO 245 D (Rev.10/96)Sheet 2 - Imprisonment in a Criminal Case for Revocations
Defendant: DUSTIN ANTHONY ENGLER
Case Number: 2:11-CR-59-Z-BR-(1)

Judgment--Page 2 of 2

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of **Eleven (11) months**.

The Court makes the following recommendations to the Bureau of Prisons:

1. that the Defendant be allowed to participate in mental health counseling and treatment and any substance abuse treatment and rehabilitation programs while in the custody of the Federal Bureau of Prisons, if eligible, if consistent with security classification; and
2. that the Defendant be allowed to serve his term of incarceration at FCI – El Reno, if eligible, if consistent with security classification.

Defendant is remanded to the custody of the US Marshal.

RESTITUTION

The Court does not order a fine or costs of incarceration because the defendant does not have the financial resources or future earning capacity to pay a fine or costs of incarceration.

Restitution is not ordered because there is no victim other than society at large.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this Judgment.

United States Marshal

By

Deputy Marshal

TXND FO E(AO 247)2014 Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2) Page 1 of 2 (Page 2 Not for Public Disclosure)

UNITED STATES DISTRICT COURT

for the

Northern District of Texas, Amarillo Division

United States of America

v.

Dustin Anthony Engler

Date of Original Judgment: March 13, 2012
 Date of Previous Amended Judgment: _____
 or Last Order Reducing Sentence: n/a

Case No: 2:11-CR-0059 (1)USM No: 43680-177

Pro Se

Defendant's Attorney

FILED
 2016 APR 19 PM 4:29
 DEPUTY CLERK *ac*
 U.S. DISTRICT COURT
 NORTHERN DIST. OF TX

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 120 months is reduced to 114 months.

(Complete Parts I and II of Page 2 when motion is granted)

ADDITIONAL COMMENTS: The amended sentence is above the amended guideline range because of defendant's disciplinary record in the BOP. Nevertheless, it is less than the 120 month sentence the defendant is currently serving because defendant has earned his GED and completed a 5-month drug treatment program.

Except as otherwise provided, all provisions of the judgment dated March 13, 2012 shall remain in effect.

IT IS SO ORDERED.Order Date: 4/19/16

Mary Ann Robinson
 Judge's signature

Effective Date: _____

Certified a true copy of an instrument

(if different from order date)

on file in my office on 7/16/21

Clerk, U.S. District Court,
 Northern District of Texas

By *[Signature]* Deputy

Deputy

LOU ROBINSON, United States District Judge

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILEDAO 245B (Rev. 9/11) Judgment in a Criminal Case
Sheet 1 TXND Rev. - 12/11

2012 MAR 13 PM 2: 56

UNITED STATES DISTRICT COURT

Northern District of Texas - Amarillo

DEPUTY CLERK *Jm*

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

V.

DUSTIN ANTHONY ENGLER

Case Number: 2:11-CR-059-J(01)

USM Number: 43680-177

John F Massouh

Defendant's Attorney

THE DEFENDANT:

- ☒ pleaded guilty to count(s) One (1) of the one-count Information filed November 15, 2011
- ☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.
- ☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
21 USC § 841(a)(1) & (b) (1)(C)	Possession With Intent to Distribute Methamphetamine	6/28/11	1

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) _____
- ☐ Count(s) _____ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

March 13, 2012

Date of Imposition of Judgment

Signature of Judge

MARY LOU ROBINSON
U. S. DISTRICT JUDGE

Name and Title of Judge

March 13, 2012

Date

Certified a true copy of an instrument
on file in my office on 7/16/21
Clerk, U.S. District Court,
Northern District of Texas
By *[Signature]* Deputy

AO 245B (Rev. 9/11) Judgment in Criminal Case
 Sheet 2 — Imprisonment TXND Rev. - 12/11

Judgment — Page 2 of 6

DEFENDANT: **DUSTIN ANTHONY ENGLER**
 CASE NUMBER: **2:11-CR-059-J(01)**

IMPRISONMENT

Pursuant to the Sentencing Reform Act of 1984, but taking the Guidelines as advisory pursuant to United States v. Booker, and considering the factors set forth in 18 U.S.C. Section 3553(a), the defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: **120 months**

☒ The court makes the following recommendations to the Bureau of Prisons:
that defendant be incarcerated where he can participate in the Comprehensive Drug Treatment Program, at defendant's request, and subject to that, that he be incarcerated as close to Fort Worth, Texas, as is consistent with defendant's classification.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before _____ on _____

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

a _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
 DEPUTY UNITED STATES MARSHAL

AO 245B (Rev. 9/11) Judgment in a Criminal Case
 Sheet 3 — Supervised Release TXND Rev. 12/11

Judgment—Page 3 of 6

DEFENDANT: **DUSTIN ANTHONY ENGLER**
 CASE NUMBER: **2:11-CR-059-J(01)**

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of : **3 years**

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

AO 245B (Rev. 9/11) Judgment in a Criminal Case
Sheet 3C — Supervised Release TXND Rev. 12/11

Judgment—Page 4 of 6

DEFENDANT: DUSTIN ANTHONY ENGLER
CASE NUMBER: 2:11-CR-059-J(01)

SPECIAL CONDITIONS OF SUPERVISION

The following additional condition is recommended:

1. The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
2. The defendant shall report in person to the U.S. Probation Office in the district to which the defendant is released within 72 hours of release from the custody of the Federal Bureau of Prisons.
3. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.
4. The defendant shall participate in a program (inpatient and/or outpatient) approved by the U.S. Probation Office for treatment of narcotic, drug, or alcohol dependency, which will include testing for the detection of substance use or abuse. The defendant shall abstain from the use of alcohol and/or all other intoxicants during and after completion of treatment. The defendant shall contribute to the costs of services rendered (copayment) at a rate of at least \$5.00 per month.
5. The defendant shall participate in mental health treatment services as directed by the probation officer until successfully discharged. These services may include medications prescribed by a licensed physician. The defendant shall contribute to the costs of services rendered (copayment) at a rate of at least \$5.00 per month.

AO 245B (Rev. 9/11) Judgment in a Criminal Case
 Sheet 5 — Criminal Monetary Penalties TXND Rev. 12/11

Judgment — Page 5 of 6

DEFENDANT: **DUSTIN ANTHONY ENGLER**
 CASE NUMBER: **2:11-CR-059-J(01)**

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$	\$

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution), payable to the U.S. District Clerk to be disbursed to the following payee(s) in the amount(s) listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
----------------------	----------------------------	-------------------------------

TOTALS \$ _____

☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

DEFENDANT: **DUSTIN ANTHONY ENGLER**
CASE NUMBER: **2:11-CR-059-J(01)****SCHEDULE OF PAYMENTS**

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☐ Lump sum payment of \$ _____ due immediately, balance due
☐ not later than _____, or
☐ in accordance with ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of ~~XXXXXXXXXX~~ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:

It is ordered that the defendant shall pay to the United States a special assessment of \$100.00, which shall be due immediately. Said special assessment shall be made to the Clerk, U. S. District Court.

Upon notification of a material change in defendant's economic circumstances, the Court may, on its own motion or the motion of any party, including the victim, adjust the payment schedule, or require immediate payment in full, as the interests of justice require.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the U.S. District Clerk, 1100 Commerce Street, 14th Floor, Dallas, Texas 75242.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall pay the following court cost(s):

☐ The defendant shall forfeit the defendant's interest in the following property to the United States: See Sheet 6B.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.